

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:19-cv-00272

MAXWELL KADEL; JASON FLECK;)
CONNOR THONEN-FLECK, by his next)
friends and parents, JASON FLECK and)
ALEXIS THONEN; JULIA MCKEOWN;)
MICHAEL D. BUNTING, JR.; C.B., by his)
next friends and parents, MICHAEL D.)
BUNTING, JR. and SHELLEY K.)
BUNTING; and SAM SILVAINE,)

Plaintiffs,)

v.)

DALE FOLWELL, in his official capacity as)
State Treasurer of North Carolina; DEE)
JONES, in her official capacity as Executive)
Administrator of the North Carolina State)
Health Plan for Teachers and State)
Employees; UNIVERSITY OF NORTH)
CAROLINA AT CHAPEL HILL; NORTH)
CAROLINA STATE UNIVERSITY;)
UNIVERSITY OF NORTH CAROLINA AT)
GREENSBORO; and NORTH CAROLINA)
STATE HEALTH PLAN FOR TEACHERS)
AND STATE EMPLOYEES,)

Defendants.)

**MOTION FOR LEAVE OF
COURT TO WITHDRAW**

NOW COMES the undersigned counsel and, having previously made a limited appearance, [DE 19], hereby moves the Court for leave of Court to withdraw from the case as a counsel of record. The grounds for so moving are as follows:

1. On May 6, 2019, the undersigned counsel entered a limited notice of appearance for the special and limited purpose of moving for an extension of time to answer or otherwise plead on behalf of Defendants Dale Folwell, Dee Jones and the North Carolina

State Health Plan, while these Defendants were in the process of searching for and retaining a counsel.

2. On June 7, 2019, newly retained counsel Mark A. Jones and Kevin G. Williams of Bell, Davis & Pitt, P.A. entered Notices of Appearance, [DE 22 & 23], representing Defendants Dale Folwell, Dee Jones and the North Carolina State Health Plan in this matter.

3. On June 17, 2019, an additional attorney, John G. Knepper, made an appearance on behalf of Defendants Dale Folwell, Dee Jones and the North Carolina State Health Plan in this matter. [DE 26]

4. Defendants Dale Folwell, Dee Jones and the North Carolina State Health Plan are now represented by attorneys Mark A. Jones, John Knepper and Kevin G. Williams.

5. The undersigned counsel completed the limited scope of engagement in connection with this matter for Defendants Dale Folwell, Dee Jones and the North Carolina State Health Plan.

6. The granting of this motion will not delay the proceedings or adversely affect the interests of the parties or this Court.

7. The undersigned informed counsel representing all parties in this matter of this motion. Plaintiffs, through their counsel Borelli, and Defendants Folwell, Jones and the North Carolina State Health Plan, through their counsel Knepper, advised that they have no objection. Other counsel have not responded either objecting or expressing their consent.

WHEREFORE, undersigned counsel respectfully asks this Court to grant this motion for leave of Court to withdraw her representation of the above named Defendants, and to terminate the undersigned's appearance as counsel of record in this case.

Respectfully submitted, this 3rd day of July, 2019.

JOSHUA H. STEIN
Attorney General

/s/ Olga E. Vysotskaya de Brito
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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing **MOTION TO WITHDRAW** with the clerk of Court using the CM/ECF system which will send notification of such to all counsel of record in this matter.

This 3rd day of July, 2019.

/s/ Olga E. Vysotskaya de Brito
Olga E. Vysotskaya de Brito
Special Deputy Attorney General